

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

IN RE:)
)

TANNERS CAFE, INC.)
DEBTOR)
_____)

CHAPTER 11
CASE NO. 09-16656-JNF

IN RE:)
)

TANNERS CAFE, INC.,)
PLAINTIFF)
)

VS.)
)

CITY OF PEABODY AND THE)
ALCOHOLIC BEVERAGE CONTROL)
COMMISSION OF THE)
COMMONWEALTH OF MA)
_____)

ADVERSARY COMPLAINT
Adversary No. 09-01397

ASSENTED TO MOTION TO CONTINUE HEARING

Tanners Cafe, Inc., (the "Debtor"), respectfully requests that this Court enter an Order continuing the hearing on the Motion for Preliminary Injunction for thirty days. In support, the Debtor represents as follows:

1. The Debtor is in the process of obtaining and selling its liquor license.
2. It appears the process will be completed within the next few weeks.
3. The Commonwealth of Massachusetts assents to a continuance of the hearing as this matter appears to be well on its way to an amicable resolution.

WHEREFORE, Tanner Café, Inc. respectfully requests that this Court enter an Order:

- (i) continue the hearing on the Motion for Preliminary Injunction for thirty days;
- and

(ii) for such other relief as this Court may deem appropriate.

Tanner Cafe, Inc.

By its counsel,

/s/ Herbert Weinberg
Herbert Weinberg (BBO #550415)
Rosenberg & Weinberg
805 Turnpike Street
North Andover, MA 01845
(978) 683-2479
hweinberg@jrhwlaw.com

Dated: February 16, 2010

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

IN RE:

TANNERS CAFE, INC.
DEBTOR

CHAPTER 11
CASE NO. 09-16656-JNF

IN RE:

TANNERS CAFE, INC.,
PLAINTIFF

VS.

CITY OF PEABODY AND THE
ALCOHOLIC BEVERAGE CONTROL
COMMISSION OF THE
COMMONWEALTH OF MA

ADVERSARY COMPLAINT
Adversary No. 09-01397

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Assented to Motion to Continue Hearing was this day sent, by mailing, first class mail, postage prepaid or through the Court's ECF system to the following.

Gregory C. Demakis, Esq.
56 Central Street
Lynn, MA 01902
Counsel to Burton's Grill

City of Peabody
24 Lowell Street
Peabody, MA 01960

Brian Barrett, Esq.
Antico, Barrett, Burke & Kornitsky, LLP
1 Essex Green Drive
Peabody, MA 01960
Counsel to the City of Peabody

William Kelly, Esq./General Counsel
Alcoholic Beverage Control
Commission
239 Causeway Street
Boston, MA 02222
General Counsel to the ABCC

Paula Bachtell, Esq
Office of the U .S. Trustee
5 Post Office Square
Boston, MA 02109

Burtons Grill of Peabody, LCC
15 Main Street, Suite 201
North Reading, MA 01864

Carl E. D'Angio, Jr., Esq.
D'Angio Law Office
11 Spring Street
Waltham, MA 02151

Thomas J. Barrett, Esq.
314 Essex Street
Salem, MA 01970

David Hadas, Esq.
Assistant Attorney General
Government Bureau
One Ashburton Place
Boston, MA 02108

Signed under the penalties of perjury this 16th day of February 2010.

/s/ Herbert Weinberg
Herbert Weinberg (BBO #550415)
Rosenberg & Weinberg
805 Turnpike Street
North Andover, MA 01845
(978) 683-2479
hweinberg@jrhwlaw.com